

**RESOLUTION NO. 2014-2**

**A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE LAKE DON PEDRO COMMUNITY SERVICES DISTRICT  
DECLARING DROUGHT EMERGENCY**

The Board of Directors of the Lake Don Pedro Community Services District does hereby find:

WHEREAS, the Lake Don Pedro Community Services District ("District") is a California community services district formed and existing under the provisions of the California Community Services District Law, codified at Government Code §§ 61000-61144, and all acts and laws amendatory thereof or supplementary thereto, and possessing all the powers thereof; and

WHEREAS, the District provides potable water to the residents in its service area; and

WHEREAS, the District receives surface water from Lake McClure on the Merced River; and

WHEREAS, said water is supplied to the District by Merced Irrigation District (MID); and

WHEREAS, MID holds water right License 11395 issued by the State Water Resources Control Board or its predecessor to regulate the flows of the Merced River through New Exchequer Dam and Lake McClure; and

WHEREAS, water received by the District from MID is subject to all of the conditions imposed on L 11395, including limits on the place of use (POU) of water attributable to the right; and

WHEREAS, the District has a groundwater well located on Ranchito Road (the Ranchito Well) which supplies a small number of service connections outside the MID POU; and

WHEREAS, the District's Engineer has determined that the Ranchito Well cannot supply any more uses than those it currently supplies; and

WHEREAS, the District's Lake McClure intake is set at 700 feet; and

WHEREAS, water level in Lake McClure has been at or below 710 feet since late October, 2013, and since that time the District has used a barge mounted floating pumping station to deliver water to the intake for delivery to the District's water treatment and distribution system; and

WHEREAS, the current water level in Lake McClure is 679 feet above mean sea level and the Lake is at 20% of its capacity of 1,024,600 acre-feet; and

WHEREAS, on January 17, 2014, the Governor proclaimed a drought state of emergency; and

WHEREAS, Article X, Section 2 of the California Constitution provides that because of the conditions prevailing in the State the general welfare requires that the water resources of the State be put to beneficial use to the fullest extent of which they are capable, and that the waste or unreasonable use or unreasonable method of use of water be prevented, and that the conservation of such waters is to be exercised with a view to the reasonable and beneficial use thereof in the interest of the people and for the public welfare, and further provides: The right to water or to the use or flow of water in or from any natural stream or water course in this State is and shall be limited to such water as shall be reasonably required for the beneficial use to be served, and such right does not and shall not extend to the waste or unreasonable use or unreasonable method of use or unreasonable method of diversion of water; and

WHEREAS, pursuant to California Water Code § 106 it is the declared policy of the State that the use of water for domestic use is the highest use of water and that the next highest use is for irrigation; and

WHEREAS, California Water Code § 350 provides that the governing body of a distributor of a public water supply, whether publicly or privately owned and including a mutual water company, may declare a water shortage emergency condition to prevail within the area served by such distributor whenever it finds and determines that the ordinary demands and requirements of water consumers cannot be satisfied without depleting the water supply of the distributor to the extent that there would be insufficient water for human consumption, sanitation, and fire protection; and

WHEREAS, the health, safety and welfare of all persons receiving water from the District required that the District maintain an uninterrupted water supply from Lake McClure; and

WHEREAS, the Board finds and determines that during periods of drought, water shortages, and other water shortage emergencies the general welfare requires that the District maximize the beneficial use of its available water supplies to the fullest extent that it is capable, and that the waste or unreasonable use, or unreasonable method of use of water shall be prevented and the conservation of water is to be extended with the view to the reasonable and beneficial use thereof in the interests of the people of the District and for the public health, safety, and welfare.

NOW, THEREFORE, IN CONSIDERATION OF THE FOREGOING, BE IT RESOLVED by the Board of Directors of the Lake Don Pedro Community Services District, that the District

hereby adopts the following policies to be effective immediately and throughout the duration of the drought emergency:

1. A state of drought emergency is hereby declared for the District, to remain in effect until further action by the Board.
2. Water Conservation Stage 1 ("Stage 1") is hereby declared. Stage 1 applies during periods when the District is able to meet all of the water demands of its customers. Water is a limited natural resource and must be used efficiently and economically to meet the health and safety needs of the District. All normal water efficiency programs and water conservation regulations of the District are in full force and effect during this Stage 1. In addition, the measures below are adopted for the duration of the emergency.
3. The District hereby finds and determines that the above recitals are true and correct and are incorporated herein.
4. All measures herein are voluntary until further action by the Board.
5. The unreasonable use or unreasonable method of use of water is prohibited. Unreasonable uses of water shall include, but are not limited to, the following:
  - (a) allowing water to leave the service recipient's property by drainage onto adjacent properties or public or private roadways or streets due to excessive irrigation and/or uncorrected leaks;
  - (b) failing to repair a water leak; and
  - (c) using water to wash down sidewalks, driveways, parking areas, tennis courts, patios or other paved areas, except to alleviate immediate public safety or sanitation hazards.
6. Outdoor water use shall conform to the following. Lawns and/or ground covers may be watered and landscaping/pastures may be irrigated, including construction meter irrigation, only during the following designated hours and designated days:
  - (a) lawns and/or ground cover may be watered and landscaping/pastures may be irrigated for properties with odd number street addresses only on Saturdays, Mondays, and Wednesdays;
  - (b) lawns and/or ground cover may be watered and landscaping/pastures may be irrigated for properties with even number street addresses only on Sundays, Tuesdays, and Thursdays; and
  - (c) watering lawns and/or ground cover and irrigating landscaping/pastures is prohibited on Fridays and on any day of the week from 6:00 a.m. to 9:00 a.m. and 6:00 p.m. to 9:00 p.m.
  - (d) Irrigation timers shall be adjusted to comply with the provisions hereof.
  - (e) Notwithstanding the provisions herein, the use of greywater to irrigate fruit trees, lawns, ground covers, ornamental trees and shrubs is permitted on any day and at any time; provided, however, that greywater may only be used in accordance with all applicable regulations.
  - (f) All open hoses shall be equipped with automatic, positive shut-off nozzles.

- (g) Swimming pools, hot tubs, spas, ponds, and fountains shall be equipped with recirculating pumps.
  - (h) All plumbing leaks, improperly adjusted sprinklers, or other water conduits/fixtures that require repair or adjustment shall be corrected to the satisfaction of the District.
  - (i) No person shall use water to wash down sidewalks, driveways, parking areas, tennis courts, patios, or other paved areas, except to alleviate immediate fire or sanitation hazards.
  - (j) No person shall allow water to leave his or her property by drainage onto adjacent properties or public or private roadways or streets due to excessive irrigation and/or uncorrected leaks.
  - (k) Water customers shall read their water meters at least once each month to monitor their water consumption.
  - (l) Washing of automobiles, trucks, trailers, boats, airplanes and other types of mobile equipment, is permitted at any time with a hand-held bucket or a hand-held hose equipped with an automatic, positive shut-off nozzle for quick rinses. Washing may be done at any time on the immediate premises of a commercial car wash or commercial service station, or by a mobile car wash or on-site car wash using high pressure washing equipment. Further, such washings are exempted from these regulations where the health, safety, and welfare of the public is contingent upon frequent vehicle cleanings, such as garbage trucks and vehicles to transport food and perishables.
  - (m) Use of water from fire hydrants shall be limited to fire fighting, related activities or other activities necessary to maintain the health, safety, and welfare of the citizens of the District.
  - (n) Restaurants shall not serve water to customers except when specifically requested by the customers.
7. If any provisions of this Resolution are in conflict with each other, District Water Service regulations, any other rule, regulation, resolution or ordinance of the District, or any State law or regulation, the more restrictive provisions shall apply.
8. If any provision, section, subsection, sentence, clause or phrase or sections of this Resolution, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions or sections of this Resolution shall not be affected, it being the intent of the Board in adopting this Resolution that no portions, provisions, or regulations contained herein shall become inoperative, or fail by reason of the unconstitutionality or other invalidity of any other provision hereof, and all provisions of this Resolution are declared to be severable for that purpose.
9. This Resolution is effective immediately upon its adoption.

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WHEREFORE, this Resolution is passed and adopted by the Board of Directors of the Lake Don Pedro Community Services District on February 18, 2014, by the following vote:

AYES: (4) Day, Afanasiev, Richardson, and Ross


NOES:

ABSENT: (1) Johnson

ABSTAIN:

  
Charles Day, President, Board of Directors


ATTEST:

  
Syndie Marchesiello, Secretary

#### CERTIFICATE OF SECRETARY

I, Syndie Marchesiello, the duly appointed and acting Secretary of the Board of Directors of the Lake Don Pedro Community Services District, do hereby declare that the foregoing Resolution was duly passed and adopted at a Regular Meeting of the Board of Directors of the Lake Don Pedro Community Services District, duly called and held at the District office at 9751 Merced Falls Road, La Grange, CA 95239, on February 18, 2014.

DATED: February 18, 2014.

  
Syndie Marchesiello, Secretary

Resolution 2014-2 Approved and Adopted February 18, 2014